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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,785	04/30/2001	Karen P. Parnell	OIC0044US	4346

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EXAMINER	
SPOONER, LAMONT M	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/845,785	PARNELL ET AL.	
	Examiner	Art Unit	
	LAMONT M. SPOONER	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,9,16-19,22,26,33,34,38-43 and 45-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5,9,16-19,22,26,33,34,38-43 and 45-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. This office action is in response to applicant's Pre-Brief Conference request filed 8/11/08. Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, and 45-53 are currently pending and have been examined.

Response to Arguments

2. Applicant's arguments, see Pre-Appeal Brief, filed 8/11/08, with respect to the rejection(s) of claim 1 under 35 USC 103 with respect to Malcolm (US 5,416,903) have been fully considered and are persuasive. More specifically, applicant argues on p.4 "The Malcolm development cycle does not relate to any looping of operations **from translation back to code development**." Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Watanabe et al. (Watanabe, US 6,185,729) which explicitly details and expressly states (C.4 lines 1-21, 40-62-see explanation below), and illustrates (Fig. 4, Fig. 6-see rejection below), within the development cycle, looping of operations from translation back to code development.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 2, 5, 9, 26, 17, 38-43 and 45-47 are rejected under 35 USC 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 USC 101 must (1) be tied to another statutory category (such as a manufacture or a machine), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The instant claim(s) neither transform underlying subject matter nor positively recite structure associated with another statutory category, and therefore do not define a statutory process (i.e. outputting and displaying to a user would tie such a claim to another statutory category).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, and 45-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (hereinafter

referred to as Lee, US 6,442,516) in view of Rojas et al. (hereinafter referred to as Rojas, US 6,425,123), in view Malcolm et al. (US 5,416,903) and further in view of Watanabe et al. (Watanabe, US 6,185,729).

Lee, Rojas, Malcolm and Watanabe are analogous art in that they both involve the development process of software.

As per **claims 1, 18 and 34**, Lee discloses a method (C.3 lines 26-45-CPU/memory, article of manufacture and server ibid-Fig. 1, C.11 lines 18-20-his server) facilitating a polylingual simultaneous shipment of the application, the method comprising:

developing a base version of the application in a base language (C.2.lines 57-67-his baselevel version, C.6.lines 27-34-his English version), wherein the language dependant code is maintained separately from language independent code of the base version of the application (C.4.lines 8-17-language dependent code tracked from language independent code not requiring translation in a base language, having a library control feature translatable components only in these fields, i.e. his available field of database… translation, and library control database that tracks all changes to the language source file that would require a translation);

facilitating a L10N of the base version of the application wherein the L10N comprises generating a base glossary; (C.3.lines 56-57, C.10.lines 10-16, the L10N process, C.10.line 58-C.11.line 39, C.10.lines 58-60-his seeds as the base glossary, C.3.line 67-C.4.line 1, 14-16, C.11.lines 5-9, 13-15-translated files include a base glossary).

but lacks disclosing facilitating an I18N of the base version of the application, wherein the I18N process comprises pseudo localization (L10N) of the language dependent code of the base version of the application;

However, Rojas teaches having an I18N process including a pseudo L10N of the language dependent code of the base version of the application (C.2.line 48-C.3.line 5-his mock translation). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Lee with Rojas by implementing a mock L10N. The motivation for doing so would have been to test language translatability in computer software (Rojas, C.2.lines 45-47).

Lee and Rojas lack the developing the base version of the application comprises developing a plurality of stages of the base version of the application; and

"development" of a first stage among the plurality of stages concurrently with the development of a second stage among the plurality of stages.

However, Malcolm teaches developing the base version of the application comprises developing a plurality of stages of the base version of the application, and "development" of a first stage among the plurality of stages concurrently with the development of a second stage among the plurality of stages (C.10 lines 16-35-his stages/activities done in parallel).

Therefore it would have been obvious at the time of the invention to modify Lee's internationalization and Rojas' pseudo-localization with the concurrent (parallel) localization and internationalization in stages, for the benefit of reducing overall time requirements for development of a final product (Malcolm, C.10.1ines 25-27).

Lee, Rojas and Malcolm lack explicitly teaching modifying the base version of the application in response to at least one of the internationalization or the localization of the base version of the application.

However, Watanabe teaches this lacking element, modifying the base version of the application in response to at least one of the internationalization or the localization of the base version of the application.

(Fig. 4-items 400-430 and loops, Fig. 6 items 600-630-and loops, C.4 lines 1-21, 40-62-his iterations of development testing, localization, internationalization, and then passed back to the developer for change to the core program, thus having stages, until completion of the core program, by iterations, the second stage of the plurality of stages as the modification to the core program).

Therefore it would have been obvious at the time of the invention to modify Lee's internationalization and Rojas' pseudo-localization, and Malcom's stages with the modification of the base version in response to internationalization/localization for the benefit of providing feedback to the developers of the base version in order to correct errors in a parallel process and reducing time requirements for development of a final product (Malcolm, C.10 lines 16-30-his parallel processing).

As per **claims 2, and 19**, Lee, Rojas, Malcolm and Watanabe make obvious the limitations of claim 1, upon which claim 2 depends. Rojas further discloses developing the base version of the application comprises:

identifying all language-dependent user interface code (C.4.lines 34-45-as his language dependent code); and

creating a source code structure for the application wherein the language-dependent user interface code is maintained separately from non user interface code (C.4.lines 35-37-separate executable program).

As per **claims 5 and 22**, Lee, Rojas, Malcolm and Watanabe disclose all the limitations of claim 1, upon which claim 5 depends. Lee further discloses:

the base language is English (C.6.lines 30-34).

As per **claims 9 and 26**, Lee, Rojas, Malcolm and Watanabe make obvious the limitations of claim 1, upon which claim 9 depends.

Rojas also teaches pseudo L10N includes adding a prefix to each translatable string in the application (C.4.lines 58-67-his inserted characters).

As per **claims 16 and 33**, Lee, Rojas, Malcolm and Watanabe make obvious the limitations of claim 1, upon which claim 16 depends. Lee further discloses

the at least one language different from the base language is selected from the group consisting of: German, Spanish, French, Japanese, Danish, Dutch, Italian, Portuguese, Swedish, Chinese, Korean,

Czech, Finnish, Greek, and Hebrew (C.10.lines 10-15-French, C.11.lines 45-47).

As per **claim 17**, Lee, Rojas, Malcolm and Watanabe make obvious dependent claim 1, Rojas further teaches wherein the application (C.2.lines 40-44-as his application) comprises a front end (C.4.lines 45, 46-required as a front end development), a middle (C.4.lines 33-45-his process of development), and a data model (C.4.lines 46-52-data model), wherein the front end comprises user interface code developed in a base language (C.4.lines 34-45, 53, 54-base language interface code required to initiate the process), and the middle comprises non user interface code developed in a programming language (C.4.lines 35-37-separate executable program follows the initiated front end);

As per **claim 38**, Lee, Rojas, Malcolm and Watanabe make obvious dependent claim 1, and Lee further teaches a first portion of the language dependent code is stored in a master repository (C.2.lines 62-66-his all files logged in the library control database as the first portion) and a second portion of the language dependent code is stored in resource files (C.4.lines 8-15-his baselevel fields as the second portion …resource files).

As per **claim 39**, Lee, Rojas, Malcolm and Watanabe make obvious claim 1, Lee further teaches the internationalization further comprises identifying defects in a previous version of the application (C.4.lines 18-23-his “translated file downlevel” interpreted as defects, wherein they necessarily are modified, or fixed, C.4.lines 44-67, also his files that require changes, C.5.lines 39-44-the identified errors from the CMVC).

As per **claims 40 and 41**, Lee, Rojas, Malcolm and Watanabe make obvious claim 9, Rojas also teaches wherein the pseudo localization further comprises altering locale-specific settings (C.2.lines 48-67-his formatting and hard-coded text for the localization files, C.5.lines 31-37-his mock translation) in an operating environment (C.6.lines 36-48-his hard-coded text, Fig. 5 item 510).

wherein the locale-specific settings comprise at least one of a date, a time, a number, a currency format and a hard-coded reference to a translation (C.2.lines 48-67-his formatting, and C.6.lines 36-48-his hard-coded text, Fig. 5 item 510).

As per **claim 42**, Lee, Rojas, Malcolm and Watanabe make obvious claim 9, and Lee further teaches wherein the pseudo localization further

comprises identifying hard-coded strings in the application by simulating localization of the application (C.6.lines 37-48, Figs. 4 and 5).

As per **claim 43**, Lee, Rojas, Malcolm and Watanabe make obvious claim 1, Lee further teaches generating the base glossary comprises creating a list of base language strings (C.10.lines 59, and 60-his sets of files from language objects, the language objects as the base language strings in the CMVC).

As per **claims 45, 49 and 51**, Lee, Rojas, Malcolm and Watanabe make obvious claim 1. Lee in further teaches, wherein the localization of the base version of the application comprises a localization concurrently with an internationalization (C.3 lines 59-61-his concurrent build), but lacks the first stage and second stage (stages). However, Malcolm teaches stages (see claim 1, concurrent/parallel discussion regarding stages). Therefore it would have been obvious at the time of the invention to modify Lee's internationalization and Rojas' pseudo-localization with the concurrent (parallel) localization and internationalization in stages, for the benefit of reducing overall time requirements for development (Malcolm, C.10.lines 25-27).

As per **claims 46, 49 and 52**, Lee, Rojas, Malcolm and Watanabe make obvious the method of claim 1. Lee further teaches wherein the internationalization of the base version of the application comprises adapting the base version of the application to be capable of being localized in a variety of locales (see claim 1, locale discussion, further-inherent to the build locale and second locale).

As per **claims 47, 50 and 53**, Lee, Rojas, Malcolm and Watanabe make obvious the method of claim 1. Lee further teaches wherein the base glossary comprises a glossary for the language dependent code, translated into at least one language different from the base language (C.10.lines 58-60-his seeds as the base glossary, C.3.line 67-C.4.line 1, 14-16, C.11.lines 5-9, 13-15-translated files include a base glossary).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAMONT M. SPOONER whose telephone number is (571)272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-7603.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms
1/15/09
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